

REMARKS**Status of the Claims**

The Office Action mailed August 23, 2005, has been reviewed and the Examiner's comments have been carefully considered. Claims 1-51 were pending in the application. Claims 2, 3, 8-10, 12, 14, 20, 22-24, 26, 27, 35, 37, 39, 41, 43, and 45 have been amended and no claims have been canceled or newly added. Therefore claims 1-51 are pending in the application and are submitted for reconsideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Applicant sincerely thanks the examiner for indicating that claims 5, 6, 15, 16, 25, 26, 30, 38, 39, 44, 45, 50, and 51 contain allowable subject matter.

Prior Art Rejection

Claims 1-3, 7, 9, 11, 13, 17, 19, 21, 23, 27-29, 32, 34, 36, 40-42, and 46-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,654,359 to La Porta et al. (hereafter "La Porta '359"). Claims 4, 8, 10, 12, 14, 18, 20, 22, 24, 31, 33, 37, 41, 43, 47, and 49, are rejected under 35 U.S.C. § 103(a) as being unpatentable over La Porta '359 in view of U.S. patent 6,765,892 to Leung et al. (hereafter "Leung '892"). Applicants respectfully traverse this rejection for at least the following reasons.

Each of the independent claims 1, 9, 19, and 27 recite a mobile network and method thereof that, *inter alia*, includes an IP node that generates an encapsulated IP packet to transfer a received IP packet to a current destination (or location) of a mobile terminal. The encapsulated IP packet has its QoS class set based on QoS information reported by the mobile terminal when it reports its current destination (or location) with QoS information for use in generating the encapsulated IP packet. This recited feature is not disclosed or suggested by the applied prior art.

Specifically, La Porta '359 discloses a method of wireless access to a packet-based networks in which a same care-of address is used when a mobile terminal is handed over

between base stations within a same local domain. La Porta '359 also teaches at col. 7, lines 30-36 and col. 9, lines 15-21 that since IP layer routing is used end-to-end, the IP layer QoS services may be used in their scheme of minimizing the message traffic when a mobile terminal moves between base stations that are within a local domain. However, nowhere does La Porta '359 teach or suggest the recited feature that the encapsulated IP packet has its QoS class set based on QoS information reported by the mobile terminal when it reports its current destination (or location) with QoS information.

Therefore, this feature is completely missing in La Porta '359 or at best La Porta '359 is completely silent regarding this recited feature. . The PTO's review court has made it very clear that silence in a reference is hardly a substitute for clear and concrete evidence from which a conclusion of obviousness (or anticipation) might justifiably flow. See, e.g., *Application of Burt*, 356 F.2d 115, 121 (CCPA 1966).

The deficiency of La Porta '359 is not cured by any of the other applied references. Specifically, Leung '892 discloses optimizing IP multicast data transmission in a mobile IP environment and does not cure the deficiencies of La Porta '359 discussed above. Accordingly, the office action fails to make a *prima facie* case of obviousness as required by section 103.

The independent claims 34, 40, and 46 recite a location registration server and a fixed terminal which are also patentable for at least the same reasons discussed herein with respect to independent claims 1, 9, 19, and 27.

The dependent claims are also in condition for allowance for at least the same reasons, as discussed above, as the independent claims on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole. In this context, applicant notes with appreciation the indication of allowable subject matter with respect to dependent claims 5, 6, 15, 16, 25, 26, 30, 38, 39, 44, 45, 50, and 51.

Furthermore, dependent claims 2, 4, 6, 10, 12, 14, 16, 20, 22, 24, 26, 31, 35, 37, 39, 41, 43, and 45 recite that when a plurality of destinations exist for an IP packet (i.e., a plurality of destinations at which the mobile terminals may be reached), encapsulated packets are sent to each of these plurality of destinations to ensure that there is no loss of data packets as the mobile terminal hands off from one base station to another. This specific storage of

multiple destinations for a mobile terminal and multicasting to the specific multiple destinations is not taught or suggested by either La Porta '359 or Leung '892 or their reasonable combination. Accordingly, these recited features provides additional reasons for the patentability of these claims.

Conclusion

In view of the foregoing amendments and remarks, applicant believes that the application is in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

Respectfully submitted,

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